

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN IRON AND STEEL  
INSTITUTE, *et al.*,

Petitioners,

v.

UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY, *et al.*,

Respondents.

No. 20-1354 (lead)  
(consolidated with  
Nos. 24-1170, 24-1171, 24-  
1177, 20-1354, 20-1355)

**JOINT MOTION TO EXTEND  
BRIEFING PROPOSAL DEADLINE**

The Petitioners, Intervenors, and Respondents in these consolidated cases jointly request a one-week extension of this Court’s deadline to submit briefing proposals. This request is made to allow the parties more time to address recent developments and further discuss a joint briefing proposal. All parties to these consolidated cases join in the motion. In support of the motion, the parties state:

1. These consolidated cases involve challenges to two EPA rulemakings: (1) National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review, 89 Fed. Reg. 23297 (Apr. 3, 2024) (“2024 Rule”); and (2) National Emission Standards for Hazardous Air

Pollutants: Integrated Iron and Steel Manufacturing Facilities Residual Risk and Technology Review,” 85 Fed. Reg. 42074 (July 13, 2020) (“2020 Rule”).

2. Challenges to the 2024 Rule have been brought by industry petitioners United States Steel Corporation (“U. S. Steel”), Cleveland-Cliffs, Inc. (“Cliffs”) and environmental petitioners Clean Air Council, Gary Advocates for Responsible Development, Hoosier Environmental Council, and Sierra Club.

3. Challenges to the 2020 Rule have been brought by industry petitioners U. S. Steel and American Iron and Steel Institute (“AISI”) and environmental petitioners Clean Air Council, Hoosier Environmental Council, NAACP LaPorte County Branch 3061, and Sierra Club.<sup>1</sup>

4. On February 21, 2025, this Court ordered the consolidation of all cases challenging the 2024 Rule and 2020 Rule. Order, Doc. 2102127 (Feb. 21, 2025).

5. The same Order required the parties to submit, within 14 days from the date of the Order, proposed formats for the briefing of these consolidated cases, which this Court strongly urged be submitted as a joint proposal. *Id.* at 2.

6. On March 5, 2025, EPA issued a letter to Petitioners U. S. Steel and Cliffs granting reconsideration of the 2024 Rule under Clean Air Act § 307(d)(7)(B) on four categories of provisions: (1) work practice standards for unmeasured

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<sup>1</sup> NAACP LaPorte County Branch 3061 has filed an unopposed motion to withdraw from the case. ECF No. 2103452.

fugitive and intermittent particulate from unplanned bleeder valve openings; (2) opacity limit for planned bleeder valve openings; (3) work practice standards for bell leaks; and (4) opacity limit for slag processing and handling. Letter, at 2 (March 5, 2025) (attached as Exhibit A).

7. On March 6, 2025, EPA informed the other parties to this case that it intended to move to hold the present case in abeyance rather than submitting a proposed format for the briefing of these consolidated cases.

8. On March 7, 2025, Respondents EPA and its Administrator, Lee Zeldin, filed a partially unopposed motion for 120-day abeyance of these consolidated cases pending EPA's evaluation of the case and the above reconsideration. Respondents' Partially Unopposed Motion for Abeyance, Doc. 2104533 (March 7, 2025).

9. The parties have conferred regarding a joint proposal on briefing format and schedule. Additional time is needed to discuss both the impact of EPA's reconsideration and abeyance motions and to fully address the points of agreement and disagreement in a joint filing consistent with this Court's February 21 Order.

10. The parties therefore respectfully request a 7-day extension, to March 14, 2025, to submit a joint briefing proposal.

Dated: March 7, 2025

/s/Lianne Mantione

Respectfully submitted,

/s/John D. Lazzaretti

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*Protection Agency and Lee M. Zeldin,  
in his official capacity as  
Administrator, U.S. EPA*

## **CERTIFICATE OF SERVICE**

Pursuant to Fed. R. App. P. 25 and Circuit Rule 25(f), I hereby certify that on March 7, 2025, I electronically filed the foregoing Petitioner United States Steel Corporation's Briefing Proposal with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

*/s/Lianne R. Manton*

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Lianne R. Manton

*Counsel for Petitioners/Intervenors  
Cleveland-Cliffs, Inc. and  
American Iron and Steel Institute*

## **CERTIFICATE OF COMPLIANCE**

This motion complies with the word limit imposed by Fed. R. App. P. 27(d) because it contains no more than 522 words. In addition, the motion has been prepared in a proportionally spaced typeface using Word 2013 in Times Roman Number 14.

/s/ Lianne R. Mantione

*Counsel for Petitioners/Intervenors  
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**OFFICE OF AIR AND RADIATION**

WASHINGTON, D.C. 20460

March 5, 2025

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Dear Ms. Mantione, Mr. Lazzaretti, and Mr. Pew:

This letter concerns the petitions for reconsideration that you submitted to the U.S. Environmental Protection Agency (EPA) pursuant to Clean Air Act (CAA) section 307(d)(7)(B) on behalf of your clients, Cleveland-Cliffs Inc., United States Steel Corp., and Clean Air Council, et al. The petitions seek reconsideration by the EPA of issues related to the National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review, 89 Fed. Reg. 23294 (April 3, 2024) ("II&S Final Rule").

On August 14, 2024, the EPA issued a letter responding to the petitions for reconsideration. In the letter, we stated our intention to exercise our discretion to reconsider three provisions of the II&S Final Rule and issue a correction notice on five items. As we have continued to review the petitions for reconsideration, we have identified four challenges raised in the petitions that arose after the comment period or were impracticable for the parties to have raised during the comment period and are of central relevance to the outcome of the II&S Final Rule, making the challenged provisions appropriate for reconsideration under CAA section 307(d)(7)(B):



- Work practice standards for unmeasured fugitive and intermittent particulate from unplanned bleeder valve openings;
- Opacity limit for planned bleeder valve openings;
- Work practice standards for bell leaks; and
- Opacity limit for slag processing and handling.

The EPA is continuing the already convened discretionary proceeding to reconsider the other provisions and items identified in the August 14, 2024, letter and will now include these four provisions for mandatory reconsideration pursuant to CAA section 307(d)(7)(B). The EPA intends to undertake rulemaking expeditiously.

If you have any questions regarding this letter, please contact Penny Lassiter at (919) 541-5396 or by email at [lassiter.penny@epa.gov](mailto:lassiter.penny@epa.gov). We thank you for your continued interest in the II&S Final Rule, and we look forward to hearing from you during the reconsideration process.

Sincerely,

A handwritten signature in black ink, appearing to be 'AT' or similar initials, written in a cursive style.

Abigale Tardif  
Principal Deputy Assistant Administrator

cc: Lea Anderson, EPA Office of General Counsel, ARLO  
Peter Tsirigotis, EPA Office of Air and Radiation, OAQPS